



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 16, 2014

Roy E. Crabtree, Ph.D.
Regional Administrator
Southeast Regional Office
National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

Subject: EPA NEPA Review Comments on NMFS's DEIS for "Draft Amendment 40 to the Fishery Management Plan for the Reef Fish of the Gulf of Mexico"; CEQ #20140253

Dear Dr. Crabtree:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject National Marine Fisheries Service (NMFS) Draft Environmental Impact Statement (DEIS) in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. EPA understands that the purpose of this action "is to define a distinct for-hire component of the recreational red snapper fishery and allocate red snapper resources between the components of the recreational sector to increase the stability for the for-hire component, provide a basis for increased flexibility in future management of the recreational sector, and minimize the chance for any recreational quota overruns which could jeopardize the rebuilding of the red snapper stock."¹

This amendment considers three actions and a total of 15 alternatives. The proposed actions include:

1. Establishment of Distinct Components with the Recreational Sector
2. Allocation of the Red Snapper Quota between the Components
3. Recreational Closure Provisions

No action and action alternatives are discussed in the DEIS. Preferred alternatives were identified by NMFS for each action.

EPA has the responsibility to review and comment on major Federal actions significantly affecting the quality of the human environment, including FMPs and FMP Amendments

¹ P. 15 of DEIS

(Amendments) as developed, approved, and implemented under the MSA where those Plans and Amendments are subject to the EIS requirement of NEPA, but it should be clear that we defer to NMFS and the Council as to the development of fishery statistics and the relative importance of the commercial and recreational fisheries for each species.

Based on our review, we offer the following comments:

Significant Increase in Recreational Activity in 2013

Several tables and figures in Chapter 1 indicate a significant increase in recreational landings and trips in 2013 as compared to previous years (for example – Figure 1.1.2 shows more than double landings from 2012-2013 for private vessels). EPA is unclear if this increase in landings and trips is due to the gradual impact of the for-hire permit moratorium (starting in 2004) or some other reason. EPA recommends that NMFS include additional discussion in the FEIS as to why landings and trip activity increased significantly in 2013.

Gulf Hypoxia Zone

EPA notes that the discussion in the Affected Environment Chapter and the Cumulative Impacts section provides minimal discussion of the Gulf hypoxic zone in the Northern Gulf of Mexico. The Louisiana Universities Marine Consortium (LUMCON) provides maps and data on the extent of the Gulf hypoxia zone which can be significantly influenced by flooding of the Mississippi River, tropical storm activity, nutrient-enhanced primary production, etc. EPA recommends additional discussion be included in the FEIS of the recent extents of the Gulf hypoxia zone and the potential impact on the Red Snapper Fishery.

Environmental Justice Analysis

EPA appreciates the NMFS including an Environmental Justice discussion in Section 3.4.2 of the DEIS. We understand that data relating to the demographics of the fishing community that may be impacted by this Federal action is limited, however the DEIS does include a discussion of the coastal counties that may be impacted by this action. As more specific demographic data for vessel owners, crew, dealers, employees, etc becomes available EPA recommends more detailed EJ analyses be included in future NEPA documents. We expect minimal impact on subsistence fishing associated with this action, but we recommend NMFS include a brief discussion in the FEIS of the proposed amendment's impact on subsistence fishing in the Gulf region.

Red Snapper Recreational Target Trips by Mode

Table 3.5.2.1.1 provides Red Snapper recreational target trips by mode for the years 2011-2013. EPA notes that Alabama is the only State that has reported trips under the Shore Mode category. No explanation is provided in the text as to why data is missing for Florida, Louisiana, and Mississippi. EPA recommends the FEIS include this additional data or an explanation as to why it is not available.

Editorial Comment

EPA's Climate Change website is referenced on page 95 but no web link is provided. EPA recommends including the following link to the FEIS for this reference:

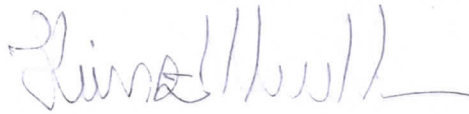
<http://epa.gov/climatechange/>

EPA DEIS Rating:

Although we offer some clarifying comments on this DEIS, EPA supports NMFS on Amendment 40 and gives deference to its fishery expertise. Therefore, EPA rates this DEIS as "LO" (Lack of Objections). Nevertheless, we request that NMFS respond to our comments in a dedicated section of the FEIS.

EPA appreciates the opportunity to review this DEIS. Should NMFS have questions regarding our comments on the Amendment actions, please feel free to contact Dan Holliman at 404/562-9531 or holliman.daniel@epa.gov of my staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. J. Mueller", with a long horizontal line extending to the right.

Heinz J. Mueller
Chief, NEPA Program Office